



City of Lawrence

POLICE

GREGORY C. BURNS, JR.
CHIEF OF POLICE

lawrenceks.org/police

Law Enforcement Center
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CITY COMMISSION

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CITY MANAGER
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April 3, 2019

MuckRock News
DEPT MR 70623
411A Highland Ave.
Somerville, MA 02144-2516

RE: L18007332

To Whom It May Concern:

Please accept this letter as an official response to your request for "Any and all of the following information in relation to L18007332."

Your request is approved, in part, and denied, in part.

The open public record page of the Kansas Standard Offense Report (KSOR) L17040914 is available to you in a significantly redacted form at no charge. This portion of your request is approved.

In order to receive this redacted document, you will need to provide a self-addressed and stamped envelope. Once this envelope is received, the redacted open record page of the KSOR will be forwarded to you in that envelope; please see the note that follows.

Your request for:

1. "Offense report #L18007332." Due to the nature of this report to include a sex crime, no victim information that exists on the open public record page of the KSOR will be provided. The redacted open record page of the KSOR is approved, and will be provided upon receipt of the required mailing supplies. The Criminal Investigation Record of the report is denied under K.S.A. 45-221(a) (10) and (30) and (47).
2. "Officer notes, correspondence, & communications relating to L18007332." This portion of the request is hereby denied under K.S.A. 45-221(a)(10), (30), and (47)



3. "Any and all forensic testing ordered in the subsequent investigation of L18007332, including dates of submission, results, and dates when results were made available." This portion of the request is denied under K.S.A. 45-221(a) (10), (30), and (47) and any applicable rules of evidence.
4. "Interview transcriptions and/or recordings between law enforcement and any subject related to L18007332." This portion of the request is denied under K.S.A. 45-219 (a) as it applies to any recordings, and K.S.A. 45-221(a) (10), (30), and (47). The Record Retention deadline for audio and video recordings has lapsed for this report.
5. "Any and all documents, and/or available information regarding a call to dispatch for suspected shoplifting involving Scott Eric Adkins at Kohls on 31st and Iowa in Lawrence, KS between the dates of Feb 1st 2017 and Feb 10th 2017, to which Sgt./Ofc. Eric Barkley responded." This portion of the request is hereby denied under K.S.A. 45-221(a) (10), (30), and (47) as this report includes a sex crime. This portion of the request is also denied as the Lawrence Police Department is not the Custodian of Record for Criminal History Record Information (CHRI) and so does not conduct searches based on a suspect/arrestee's name. Please contact the Kansas Bureau of Information (KBI) for CHRI. You may also search court records for information based on any Notice to Appear citations that might be available through the Clerk of the court of jurisdiction. Kansas Standard Arrest Reports (KSAR) are mandatorily closed.
6. "Any recordings, transcripts, or data related to Erick Barkley's communications with dispatch before, during and directly after the shoplifting incident." This portion of the request is denied under K.S.A. 45-219 (a) and K.S.A. 45-221(a) (10), (30), and (47). In addition, the Record Retention deadline has lapsed for related audio recording and so are not available.
7. "Any and all audio/visual recordings or data where Devon Masque is the subject of recording with or without her knowledge – whether or not the recordings are related to the report(s) mentioned above." This portion of the request is denied under K.S.A. 45-221 (a) (10), (30), and (47). In addition, and per the Kansas Attorney General, the Kansas Open Records Act does not require agencies to create records or reports that do not already exist. This record does not exist in the form that has been requested:

"The KORA applies to public records possessed by a public agency at the time the request is made. It does not require that a public agency do research for you, create a record it does not already possess, or write out their response to your questions."

See: <https://ag.ks.gov/open-government/kora-faq>

- a. In addition, this request would include information that is relevant to security procedures and criminal investigations that are denied under K.S.A. 45-221(a) (10).

In addition to the basis for denials listed above, K.S.A. 45-220 (b) provides “a public agency may require proof of identity of any person requesting access to a public record,” and (c) If access to public records of any agency or the purpose for which the records may be used is limited pursuant to K.S.A. 45-221 or K.S.A. 2018 Supp. 45-230, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

(1) The requestor has a right of access to the records and the basis of that right;”

The Lawrence Police Department hereby requires proof of identity of the requestor of these records and the basis for the right of access to the criminal investigation records and personnel records, listed above, that are denied under exceptions provided under K.S.A. 45-221(a) (10) and (30).

Sincerely,

Kim L. Murphree
LPD Records/TAC/Media

Gregory C. Burns, Jr.
Chief of Police